

1 A bill to be entitled
 2 An act relating to the Open Government Sunset Review Act;
 3 amending ss. 27.151, 378.406, 400.0077, 403.111, and
 4 655.0321, F.S.; correcting cross-references to a repealed
 5 section of Florida Statutes; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Section 27.151, Florida Statutes, is amended to
 10 read:

11 27.151 Confidentiality of specified executive orders;
 12 criteria.—

13 (1) If the Governor provides in an executive order issued
 14 pursuant to s. 27.14 or s. 27.15 that the order or a portion
 15 thereof is confidential, the order or portion so designated, the
 16 application of the Governor to the Supreme Court and all
 17 proceedings thereon, and the order of the Supreme Court shall be
 18 confidential and exempt from the provisions of s. 119.07(1).

19 (2) The Governor shall base his or her decision to make an
 20 executive order confidential on the criteria set forth in s.
 21 119.15(6)(b) ~~119.14~~.

22 (3) To maintain the confidentiality of the executive
 23 order, the state attorney, upon entering the circuit of
 24 assignment, shall immediately have the executive order sealed by
 25 the court prior to filing it with the clerk of the circuit
 26 court. The Governor may make public any executive order issued
 27 pursuant to s. 27.14 or s. 27.15 by a subsequent executive
 28 order, and at the expiration of a confidential executive order

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29 or any extensions thereof, the executive order and all
30 associated orders and reports shall be open to the public
31 pursuant to chapter 119 unless the information contained in the
32 executive order is confidential pursuant to the provisions of
33 chapter 39, chapter 415, chapter 984, or chapter 985.

34 Section 2. Paragraph (a) of subsection (1) of section
35 378.406, Florida Statutes, is amended to read:

36 378.406 Confidentiality of records; availability of
37 information.—

38 (1) (a) Any information relating to prospecting, rock
39 grades, or secret processes or methods of operation which may be
40 required, ascertained, or discovered by inspection or
41 investigation shall be exempt from the provisions of s.
42 119.07(1), shall not be disclosed in public hearings, and shall
43 be kept confidential by any member, officer, or employee of the
44 department, if the applicant requests the department to keep
45 such information confidential and informs the department of the
46 basis for such confidentiality. Should the secretary determine
47 that such information requested to be kept confidential shall
48 not be kept confidential, the secretary shall provide the
49 operator with not less than 30 days' notice of his or her intent
50 to release the information. When making his or her
51 determination, the secretary shall consider the public purposes
52 specified in s. 119.15(6)(b) ~~119.14(4)(b)~~.

53 Section 3. Paragraph (c) of subsection (1) of section
54 400.0077, Florida Statutes, is amended to read:

55 400.0077 Confidentiality.—

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56 (1) The following are confidential and exempt from the
 57 provisions of s. 119.07(1):

58 (c) Any other information about a complaint, including any
 59 problem identified by an ombudsman council as a result of an
 60 investigation, unless an ombudsman council determines that the
 61 information does not meet any of the criteria specified in s.
 62 119.15(6)(b) ~~119.14(4)(b)~~; or unless the information is to
 63 collect data for submission to those entities specified in s.
 64 712(c) of the federal Older Americans Act for the purpose of
 65 identifying and resolving significant problems.

66 Section 4. Subsection (1) of section 403.111, Florida
 67 Statutes, is amended to read:

68 403.111 Confidential records.—

69 (1) Any information, other than effluent data and those
 70 records described in 42 U.S.C. s. 7661a(b)(8), relating to
 71 secret processes or secret methods of manufacture or production,
 72 or relating to costs of production, profits, or other financial
 73 information which is otherwise not public record, which may be
 74 required, ascertained, or discovered by inspection or
 75 investigation shall be exempt from the provisions of s.
 76 119.07(1), shall not be disclosed in public hearings, and shall
 77 be kept confidential by any member, officer, or employee of the
 78 department, upon a showing satisfactory to the department that
 79 the information should be kept confidential. The person from
 80 whom the information is obtained must request that the
 81 department keep such information confidential and must inform
 82 the department of the basis for the claim of confidentiality.
 83 The department shall, subject to notice and opportunity for

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84 hearing, determine whether the information requested to be kept
85 confidential should or should not be kept confidential. The
86 department shall determine whether the information submitted
87 should be kept confidential pursuant to the public purpose test
88 as stated in s. 119.15(6)(b)3. ~~119.14(4)(b)3.~~

89 Section 5. Section 655.0321, Florida Statutes, is amended
90 to read:

91 655.0321 Restricted access to certain hearings,
92 proceedings, and related documents.—The office shall consider
93 the public purposes specified in s. 119.15(6)(b) ~~119.14(4)(b)~~ in
94 determining whether the hearings and proceedings conducted
95 pursuant to s. 655.033 for the issuance of cease and desist
96 orders and s. 655.037 for the issuance of suspension or removal
97 orders shall be closed and exempt from the provisions of s.
98 286.011, and whether related documents shall be confidential and
99 exempt from the provisions of s. 119.07(1).

100 Section 6. This act shall take effect July 1, 2010.